

Application Serial No.: 09/898,164
Attorney Docket No.: 0260123

REMARKS

This is in response to the *Non-Final* Office Action of June 14, 2007, where the Examiner has rejected claims 1-4, 8, 10-13, 38-45 and 58-68. By the present Amendment and Response, applicant has amended claims 1, 38, 58 and 62-65, cancelled claims 3, 59-60 and 66-67, and added new claims 69-72. After the present Amendment and Response, claims 1-2, 4, 8, 10-13, 38-45, 58, 61-65 and 68-72 are pending in the present application. An early Notice of Allowance for claims 1-2, 4, 8, 10-13, 38-45, 58, 61-65 and 68-72, in view of the following remarks, is respectfully requested.

A. Rejection of Claims 59, 60, 66 and 67 under 35 USC § 112, ¶ 1

The Examiner has rejected claims 59, 60, 66 and 67, under 35 USC § 112, ¶ 1, as failing to comply with the written description requirement. By the present amendment, applicant has cancelled claims 59, 60, 66 and 67. Accordingly, it is respectfully submitted that the Examiner's rejection of claims 59, 60, 66 and 67, under 35 USC § 112, ¶ 1, has been rendered moot.

B. Rejection of Claims 1-4, 8, 10-13, 38-45 and 58-68 under 35 USC § 103(a)

The Examiner has rejected claims 1-4, 10, 11, 38-42, 58, 61-63, 65 and 68, under 35 USC § 103(a), as being unpatentable over Mankovitz, et al. (USPN 5,523,794) ("Mankovitz") in view of Brusky, et al. (USPN 5,903,259) ("Brusky").

By the present amendment, applicant has amended independent claim 1 to further clarify the invention of claim 1. As amended, claim 1 recites "providing a token embedded in an audio

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signal of the programming broadcast signal; receiving, by the broadcast receiving appliance, the token embedded in the audio signal of the programming broadcast signal; emitting, by the broadcast receiving appliance, the audio signal including the token from the broadcast receiving appliance, wherein the token is emitted outside of the normal hearing frequency range of the acoustic spectrum of the audio signal.”

Applicant respectfully submits that Mankovitz discloses and teaches that the commercial data is included in the VBI (vertical blanking interval) of the broadcast signal. In contrast, the token of claim 1 of the present application is embedded in the audio signal of the broadcast signal. The significance of this patentable difference between the two approaches is that Mankovitz’s system requires an extraction module at the broadcast receiving appliance to extract the commercial data and another module for transmitting the commercial data via an IR signal to a user device. In contrast, using the invention of claim 1 of the present application, the broadcast receiving appliance can avoid extracting the token from the broadcast signal and encoding a transmission signal for transmitting the token to a user device. As a result, the broadcast receiving appliance can be simplified by eliminating an extractor for extracting the token and an encoder for encoding a transmission signal for transmitting the token to the user device. In short, according to the invention of claim 1, the token is not included in the VBI of the broadcast signal, but in the audio signal of the broadcast signal in order to eliminate additional component cost and delay in the broadcast receiving appliance.

Accordingly, applicant respectfully submits that claim 1, as amended, is patentably distinguishable over Mankovitz in view of Brusky, and should be allowed. Further, independent claims 38, 58 and 65 have been amended to include limitations similar to those of claim 1, as

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amended, and should also be allowed. In addition, claims 2, 4, 8, 10-13, 38-45, 58, 61 and 68 depend from claims 1, 38, 58 and 65, and should also be allowed.

Further, by the present amendment, applicant has amended claim 62 to further clarify the invention of claim 62. After the present amendment, claim 62 reads: A method for controlling a behavior of a toy by a broadcast receiving appliance configured to receive a token as part of a programming broadcast signal, the method comprising: receiving, by the toy, a signal from the broadcast receiving appliance, wherein the signal includes the token; extracting, by the toy, the token from the signal; and synchronizing the behavior of the toy with the token. Applicant respectfully submits that the cited references fail to disclose, teach or suggest that the data in the broadcast signal is utilized to control the behavior of a toy. Further, claims 63 and 64 depend from claim 62, and should also be allowed. It is respectfully submitted that amendments to claims 62-64 are at least supported by paragraph [0012] at page 2, and paragraph [0044], at page 12 of the present application.

C. New Claims 69-72

By the present amendment, applicant has added new independent claim 69 and dependent claims 70-72. New independent claim 69 recites "A method for providing an incentive to a user to receive information by providing a plurality of tokens embedded in a programming broadcast signal, the method comprising: receiving, by a user device, a first token of the plurality of tokens transmitted from a broadcast receiving appliance receiving the programming broadcast signal, wherein the first token is indicative of a guessing round; registering, by the user device, an answer from the user to the guessing round; receiving, by the

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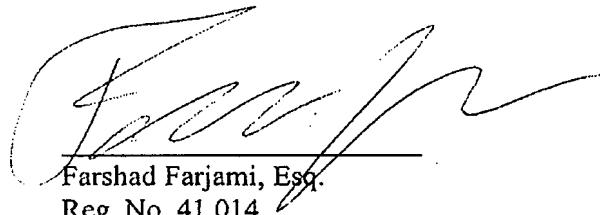
user device, a second token of the plurality of tokens transmitted from the broadcast receiving appliance receiving the programming broadcast signal, wherein the second token indicative of a correct answer; comparing, by the user device, the answer from the user with the correct answer; registering, by the user device, a point for the user if the answer from the user matches with the correct answer.” Applicant respectfully submits that at least paragraph [0036] of the present application, at page 9, supports the invention of new claim 69. Further, it is respectfully submitted that new claim 69 is patentably distinguishable over the cited references. Also, claims 70-72 depend from claim 69, and should also be allowed.

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D. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-2, 4, 8, 10-13, 38-45, 58, 61-65 and 68-72 pending in the present application is respectfully requested.

Respectfully Submitted,
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